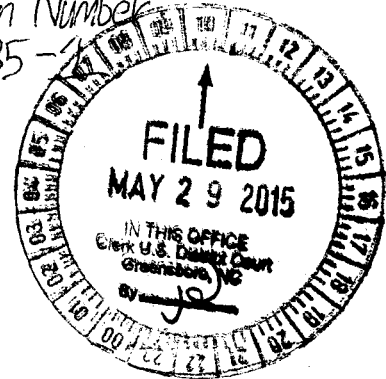


IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

United States of America

v.
Brian David Hill

Criminal Action Number
1:13CR435-



Emergency

MOTION TO RECUSE Judge

Defendant files a request with the Honorable Court that the presiding Judge William Lindsay Osteen Jr. remove himself from all proceedings of my case in the future before he further damages my case with partial and biased decisions. Citing Title 28 U.S.C. § 455 & 453, where a Judge is disqualified from ruling in a proceeding to which his impartiality may reasonably be questioned. Impartiality also includes that a Judge is not biased in his/her rulings in Court.

It is on record and on the Transcripts that Judge Osteen is biased in favor of Assistant Federal Public Defender Eric David Placke, to the point where he ignores all evidence proving Placke is ineffective as assistance of counsel last year, or disregards any such evidence. Evidence has been filed on record (See Document #55-2 and #55-3) under Declaration that legal counsel Placke at the time did nothing to defend against the charge except for only both mental evaluations last year and pressuring the defendant into a guilty plea despite the Defendant making inter alia assertions of factual Innocence.

1 (Flip to read second page)

Judge Osteen did not acknowledge ~~any~~ evidence proving that counsel was deficient and that counsel prejudiced the Defendant by claiming in an email to the Defendant's family that he didn't think I was set up. Had I been appointed different counsel at the time or had a private attorney, the outcome would have been different.

The Judge also ranted about Susan Basto declaring Innocence of the Defendant to the point where his face turned red and he threatened to charge ^{her} with perjury. The Judge does not wish to accept the defendant's legal innocence to the indictment charge. The Defendant fears that Judge Osteen will deny his future Title 28 § 2255 Motion then deny the Certificate of Appealability. The Defendant fears this Judge will cause harm to his case.

Therefore for good cause shown, the Defendant requests that Judge Osteen withdraw himself from the case entirely. All to comply with Title 28 U.S.C. § 453 and 455 requiring disqualification of Judges. Upon denial of this MOTION Defendant plans on Appealing the denial. There is no reason for Judge Osteen to remain in the case now that impartiality is reasonably questioned. It is in the best interests for Justice that Osteen recuse himself from the case and withdraw himself from future case proceedings. That means a new Judge should be assigned to this case immediately.

This I request with the court.

Filed with the Clerk Of The Court.

This the 27th day of May, 2015.

Brian D. Hill U.S.W.G.O.

^{signed}
Brian David Hill (Pro Se)

Forsyth County Detention Center

2 201 N. Church St.

Winston Salem, NC